

ENTERED

March 14, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARAIUS DUBASH, and DR. FARAZ
HARSINI §

Plaintiffs, §
v. §

CITY OF HOUSTON, TEXAS; §
HOUSTON DOWNTOWN PARK §
CORPORATION; OFFICER ROBERT §
DOUGLAS (# 7943), in his Individual §
capacity; OFFICER VERN WHITWORTH §
(# 7595), in his individual capacity; §
DISCOVERY GREEN CONSERVANCY §
f/k/a HOUSTON DOWNTOWN PARK §
CONSERVANCY; and BARRY MANDEL, §
in his individual capacity, §

Defendants. §

CIVIL ACTION
CASE NO. 4:23-cv-03556

**ORDER GRANTING MOTION BY DEFENDANTS CITY OF HOUSTON, TEXAS,
OFFICER ROBERT DOUGLAS, AND OFFICER VERN WHITWORTH, FOR AN
ORDER STAYING DISCOVERY UNTIL THE COURT DECIDES QUESTIONS OF
QUALIFIED IMMUNITY**

Defendants City of Houston, Texas, Officer Robert Douglas, and Officer Vern Whitworth (“the City Defendants”) having filed a motion for an order staying all discovery from Officer Douglas and Officer Whitworth, and all discovery from any of the City Defendants related to the claims against the Officers, or to any claims asserting liability under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978), for the alleged actions of the Officers, until such time as the Court decides the City Defendants’ motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(6),

NOW, due deliberation having been had upon the foregoing, the City Defendants’ motion is hereby **GRANTED**, and it is hereby

ORDERED that discovery from defendants Officer Robert Douglas (# 7943), in his individual capacity, and Officer Vern Whitworth (# 7595), in his individual capacity, is hereby stayed pending this Court's determination of the qualified immunity arguments in the City Defendants' motion to dismiss the Complaint pursuant to Fed.R.Civ.P. 12(b)(6); and it is further

ORDERED that discovery from defendant City of Houston, Texas, related to claims against the Officers and ~~related~~ to any *Monell* claim related to the claims against the Officers, is hereby stayed pending this Court's determination of the qualified immunity arguments in the City Defendants' motion to dismiss the Complaint pursuant to Fed.R.Civ.P. 12(b)(6); and it is further

ORDERED that ~~the~~ discovery from City of Houston, Texas, stayed by this Order shall include, but not be limited to, disclosure of arrest records, body camera footage, and training and supervision documentation related to the Officers, as well as training and supervision documentation, the contents of either Officer's employment files, and documentation concerning the investigation of either Officer, and/or any disciplinary or other proceedings brought against them that is the subject of the allegations in this lawsuit; and it is further

ORDERED that the stays effectuated by this Order shall remain in effect until fourteen days after the date on which the Court renders a determination on the qualified immunity arguments in the City Defendants' Rule 12(b)(6) motion. If the Court has not ruled on the qualified immunity arguments by the discovery deadline set in the current or any amended scheduling order, nothing in this Order deprives or alters the right of either party to seek a reasonable extension of time to complete discovery on the issues currently stayed.

SO ORDERED, this 12 day of March, 2024

UNITED STATES DISTRICT JUDGE